

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

JANE DOE  
Plaintiff

VS.

EDINBURG CONSOLIDATED  
INDEPENDENT SCHOOL DISTRICT  
Defendant

§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 7:19-CV-00309  
(JURY REQUESTED)

---

**DEFENDANT EDINBURG CONSOLIDATED INDEPENDENT SCHOOL DISTRICT'S  
RESPONSE TO PLAINTIFF'S MOTION TO COMPEL DEFENDANT  
TO RESPOND TO FIRST SET OF INTERROGATORIES, FIRST REQUESTS FOR  
PRODUCTION AND SECOND REQUESTS FOR PRODUCTION**

---

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **EDINBURG CONSOLIDATED INDEPENDENT SCHOOL DISTRICT**, Defendant in the above-styled and numbered cause, and files this its Response to Plaintiff's Motion to Compel and would respectfully show the Court the following:

**I.  
DEFENDANT HAS PRODUCED RESPONSIVE INFORMATION TO PLAINTIFF**

1. Plaintiff's motion asserts that Defendant responded to Plaintiff's discovery requests with improper objections, has refused to produce documents and/or responded with incomplete and inadequate answers. This assertion implies that Defendant is being obstructive to the discovery process in an improper manner. To the contrary, Defendant has been very forthcoming with relevant responsive information as requested.

2. Plaintiff served Defendant with twenty four interrogatories sent in two different sets. Defendant lodged only four objections out of the twenty four interrogatories and each of these four

objections actually included a response made subject to the objection. (Please See Exhibits A and B). Defendant also supplemented its responses to two interrogatories that Defendant had not objected to providing additional information to Plaintiff. (Please See Exhibit C). Plaintiff may disagree with Defendant's responses and wish to alter them, but they were done properly.

3. Plaintiff served Defendant with twenty eight requests for production through two separate sets. In response, Defendant produced videos and two hundred and fifty seven pages of information that include the following:

- a) all video footage in the possession of the Defendant/Defendant's Police Department contained in such files (two separate recordings from inside school premises);
- b) training videos used by Defendant regarding training on harassment and discrimination;
- c) the personnel file of Francisco Badillo (teacher arrested for the relationship with Plaintiff);
- d) the complete Edinburg CISD Police Department investigative file which included:

HIDALGO COUNTY DISTRICT ATTORNEY'S OFFICE SUPPLEMENT AND  
CASE SUMMARY REPORT

CAMPUS POLICE OFFICER BELINDA ANZALDUA'S PRELIMINARY  
OFFENSE REPORT

CAMPUS POLICE OFFICER MICHAEL MEDRANO'S SUPPLEMENTAL  
REPORT

EYEWITNESS STATEMENT FROM CAMPUS CAMERA MONITOR DAVID  
OLIVAREZ

EYEWITNESS STATEMENT FROM ASSISTANT PRINCIPAL ROSA MARIA  
BERNAL

EYEWITNESS STATEMENT FROM SCHOOL TEACHER ALYSSA  
RAMIREZ

EYEWITNESS STATEMENT FROM SCHOOL TEACHER NOEMI VELA

EYEWITNESS STATEMENT FROM SCHOOL CUSTODIAN JESUS ANGEL SANCHEZ

EYEWITNESS STATEMENT FROM PARENT OF JANE DOE

EYEWITNESS STATEMENT FROM VICTIM (MINOR) JANE DOE

EYEWITNESS STATEMENT FROM (MINOR) WITNESS

EYEWITNESS STATEMENT FROM ALEJANDRO FRANCO

EYEWITNESS STATEMENT FROM MARY ANN BADILLO

EVIDENCE PHOTOS OF CLASSROOM #721 AND "PREP" ROOM

VICTIM'S SKETCH OF CRIME SCENE (RESIDENCE INTERIOR DRAWING)

EVIDENCE PHOTOS OF INTERIOR AND EXTERIOR OF RESIDENCE IN EDINBURG, TEXAS

CONSENT TO SEARCH and SEARCH WARRANTS

SUPECT'S ARRAIGNMENT' FORMS

MAGISTRATE WARNINGS FOR SUSPECT BADILLO

PROBABLE CAUSE STATEMENT FOR SUSPECT BADILLO

WARRANT OF ARREST FOR SUSPECT BADILLO

SUSPECT BADILLO'S PHOTOGRAPH

HIDALGO COUNTY SHERIFF'S DEPARTMENT BOOKING SHEET RE: BADILLO

- e) Duty chart in response to request for documents that would indicate who was supposed to supervise Francisco Coronado Badillo;
- f) Academic record of Jane Doe;
- g) Job Description as requested;
- h) Training documentation;
- i) Employee Handbook for 2016-2017 including all policies related to student welfare, harassment, child abuse, neglect;

k) Edinburg CISD Police Department Records regarding investigation into complaint made against F. Badillo in April 2017;

l) Affidavit of F. Badillo dated April 19, 2017; and

m) Affidavit of minor dated April 24, 2017 regarding investigation into complaint made by her against F. Badillo in April 2017.

Out of the twenty eight separate requests for production, Defendant lodged twelve objections, ten of which relate to Plaintiff's requests for personnel files. (Please see Exhibits D, E and F).

4. Plaintiff files this motion to compel in opposition to Defendant's objections to the production of ten personnel files that are not related to the investigation conducted by the school District or the complaint made by the minor plaintiff (all investigation files were produced without objection), records of a completely unrelated instance of a teacher-student relationship from 2013 involving a different minor and a different employee, and a request for other complaints of sexual abuse that would not involve this plaintiff or the accused teacher in question.

5. The substance of Defendant's objections to the production of these matters involve plaintiff attempting to seek information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and with respect to the personnel files, seeks to invade the personal privacy rights of Defendant's employees or former employees. Plaintiff asserts causes of action under Title IX and under the 14<sup>th</sup> Amendment. Defendant has produced substantial relevant information with regards to these claims without objection. The items plaintiff attempts to compel are not relevant to what plaintiff must establish to prevail on these causes of action as they are unrelated to the minor plaintiff and the employee who was arrested for the relationship in question.

## **II. PRAYER**

6. WHEREFORE, PREMISES CONSIDERED, Defendant EDINBURG CONSOLIDATED INDEPENDENT SCHOOL DISTRICT respectfully prays that the Court sustain Defendant's

objections at issue and deny Plaintiff's Motion to Compel. Defendant additionally seeks such other and further relief to which it may be entitled to, either at law or in equity.

Signed on May 22, 2020.

Respectfully submitted,

**ESPARZA & GARZA, L.L.P.**

964 E. Los Ebanos Blvd.

Brownsville, Texas 78520

Telephone: (956) 547-7775

Facsimile: (956) 547-7773

By: /s/ Eduardo G Garza

Eduardo G Garza

State Bar No. 00796609

USDC ADM. No. 20916

Roman "Dino" Esparza

State Bar No. 00795337

USDC ADM. No. 22703

**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that on May 22, 2020, pursuant to the Federal Rules of Civil Procedure, a true and correct copy of the above and foregoing document was served on each party to this action by Defendant's submission of this document to the U.S. District Court electronically to the DCECF system:

/s/ Eduardo G Garza

Eduardo G Garza